

AMENDED IN SENATE SEPTEMBER 4, 2001

AMENDED IN SENATE JULY 18, 2001

AMENDED IN SENATE JULY 5, 2001

AMENDED IN ASSEMBLY MAY 31, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 306

Introduced by Assembly Member Frommer

(Principal coauthor: Senator Polanco)

(Coauthors: Assembly Members Diaz, Firebaugh, Florez, Havice, Jackson, Koretz, Leach, Lowenthal, Robert Pacheco, Salinas, Steinberg, Washington, and Wesson)

(Coauthors: Senators Alpert, Burton, Figueroa, Kuehl, Perata, and Romero)

February 16, 2001

An act to amend Sections 56352 and 60061 of, and to add Section 56351.5 to, the Education Code, relating to special education, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 306, as amended, Frommer. Special education.

~~(1) Existing law requires educational agencies to develop an individualized education program for pupils with exceptional needs, including, but not limited to, a functionally blind pupil, as defined, or a pupil with low vision, as defined, and requires that a functional vision assessment be conducted to determine the appropriate reading medium for the pupil and an assessment of braille skills.~~

~~This bill would require instruction in braille provided to a functionally blind pupil to be sufficient to enable the pupil to communicate effectively and efficiently with the same level of language proficiency expected of the child's peers of comparable ability and grade level who have no vision impairment. By establishing this additional requirement for local educational agencies, the bill would impose a state-mandated local program.~~

~~(2)~~

(1) Existing law requires braille instruction to be provided by a teacher credentialed to teach pupils who are functionally blind. Existing related regulations authorize holders of certain credentials to teach children with disabilities in a special day class in which the primary disability is visual impairment including blindness.

This bill would authorize a school district, special education local plan area, or county office of education to reinforce braille instruction using a braille instructional aide who meets certain criteria and is under the supervision of a teacher who holds an appropriate credential, as determined by the Commission on Teacher Credentialing, to teach pupils who are functionally blind or visually impaired.

~~(3)~~

(2) Existing law provides for the adoption and selection of quality instructional materials for use in elementary and secondary schools, and imposes requirements upon publishers and manufacturers, including, but not limited, to, the requirement that they provide to the state, at no cost, the right to transcribe, reproduce, and distribute the material in braille, large print, recordings, or other accessible media for use by pupils with visual disabilities, including computer diskette versions of print materials if made available to any other state, and those corrections and revisions as may be necessary.

This bill would delete the provision that requires a publisher or manufacturer to provide computer diskette versions of print material if made available to any other state, and instead, would require computer files or electronic versions of each state-adopted literary title to be provided within 30 days of request by the state, and computer files or other electronic versions of nonliterary titles, including science and math, to be provided when technology is available to convert those materials.

This bill would appropriate \$227,000 for allocation to at least 15 community college districts throughout the state to enable each district to offer at least one additional course to train individuals in braille



instruction. The funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *This state is in need of more credentialed teachers who are*
4 *able to teach braille to visually impaired pupils.*

5 (b) *It is vitally important for visually impaired individuals to*
6 *learn braille. There is a direct correlation between braille literacy*
7 *and the level of employment and education attained by people who*
8 *are visually impaired and blind.*

9 (c) *This state should ensure that visually impaired pupils are*
10 *able to read at the same level as their peers.*

11 SEC. 2. Section 56351.5 is added to the Education Code, to
12 read:

13 56351.5. (a) ~~Instruction in braille provided to a functionally~~
14 ~~blind pupil shall be of sufficient quality and duration to enable the~~
15 ~~pupil to communicate effectively and efficiently with the same~~
16 ~~level of language proficiency expected of the child's peers of~~
17 ~~comparable ability and grade level who have no vision~~
18 ~~impairment.~~

19 ~~(b)~~ (1) A school district, special education local plan area, or
20 county office of education may reinforce braille instruction using

1 a braille instructional aide who meets the criteria set forth in
2 paragraph (2) under the supervision of a teacher who holds an
3 appropriate credential, as determined by the Commission on
4 Teacher Credentialing, to teach pupils who are functionally blind
5 or visually impaired. This instruction shall be in accordance with
6 the pupil's individualized education program.

7 (2) For purposes of this section, a braille instructional aide shall
8 demonstrate to the supervising teacher that he or she is fluent in
9 reading and writing grade 2 braille and possesses basic knowledge
10 of the rules of braille construction.

11 ~~(e)~~

12 (b) Any school district, special education local plan area, or
13 county office of education that employs a braille instructional aide
14 shall provide the aide with information regarding teaching
15 credential programs, including the Pre-Internship Teaching
16 Program (Article 5.6 (commencing with Section 44305) of
17 Chapter 2 of Part 25), the Wildman-Keeley-Solis Exemplary
18 Teacher Training Act of 1997 (Article 12 (commencing with
19 Section 44390) of Chapter 2 of Part 25), and the Teacher Education
20 Internship Act of 1967 (Article 3 (commencing with Section
21 44450) of Chapter 3 of Part 25).

22 SEC. 2. Section 56352 of the Education Code is amended to
23 read:

24 56352. (a) A functional vision assessment conducted
25 pursuant to Section 56320 shall be used as one criterion in
26 determining the appropriate reading medium or media for the
27 pupil.

28 (b) An assessment of braille skills shall be required for
29 functionally blind pupils who have the ability to read in
30 accordance with guidelines established pursuant to Section 56136.
31 A school district, special education local plan area, or county
32 office of education may provide pupils with low vision with the
33 opportunity to receive assessments to determine the appropriate
34 reading medium or media, including braille instruction, for the
35 pupils.

36 (c) The determination, by a pupil's individualized education
37 program team, of the most appropriate medium or media,
38 including braille, for functionally blind pupils who have the ability
39 to read shall use as one criterion the assessment provided for



1 pursuant to subdivision (b) and shall be in accordance with
2 guidelines established pursuant to Section 56136.

3 (d) Except as provided in subdivision (b) of Section 56351.5,
4 braille instruction shall be provided by a teacher who holds an
5 appropriate credential, as determined by the Commission on
6 Teacher Credentialing, to teach pupils who are functionally blind
7 or visually impaired.

8 (e) Each visually impaired pupil shall be provided with the
9 opportunity to receive an assessment to determine the appropriate
10 reading medium or media, including braille instruction, if
11 appropriate, for that pupil.

12 SEC. 3. Section 60061 of the Education Code is amended to
13 read:

14 60061. (a) A publisher or manufacturer shall do all of the
15 following:

16 (1) Furnish the instructional materials offered by the publisher
17 at a price in this state that, including all costs of transportation to
18 that place, does not exceed the lowest price at which the publisher
19 offers those instructional materials for adoption or sale to any state
20 or school district in the United States.

21 (2) Automatically reduce the price of those instructional
22 materials to any governing board to the extent that reductions are
23 made elsewhere in the United States.

24 (3) Provide any instructional materials free of charge in this
25 state to the same extent as that received by any state or school
26 district in the United States.

27 (4) Guarantee that all copies of any instructional materials sold
28 in this state are at least equal in quality to the copies of those
29 instructional materials that are sold elsewhere in the United States,
30 and are kept revised, free from all errors, and up to date as may be
31 required by the state board.

32 (5) Not in any way, directly or indirectly, become associated or
33 connected with any combination in restraint of trade in
34 instructional materials, or enter into any understanding,
35 agreement, or combination to control prices or restrict competition
36 in the sale of instructional materials for use in this state.

37 (6) Maintain a representative, office, or depository in the State
38 of California or arrange with an independently owned and
39 operated depository in the State of California to receive and fill
40 orders for instructional materials.

1 (7) Provide to the state, at no cost, computer files or other
2 electronic versions of each state-adopted literary title and the right
3 to transcribe, reproduce, modify, and distribute the material in
4 braille, large print if the publisher does not offer a large print
5 edition, recordings, American Sign Language videos for the deaf,
6 or other specialized accessible media exclusively for use by pupils
7 with visual disabilities or other disabilities that prevent use of
8 standard instructional materials. Computer files or other electronic
9 versions of materials adopted shall be provided within 30 days of
10 request by the state as needed for the purposes described in this
11 subdivision as follows:

12 (A) Computer files or other electronic versions of literary titles
13 shall maintain the structural integrity of the standard instructional
14 materials, be compatible with commonly used braille translation
15 and speech synthesis software, and include corrections and
16 revisions as may be necessary.

17 (B) Computer files or other electronic versions of nonliterary
18 titles, including science and mathematics, shall be provided when
19 technology is available to convert those materials to a format that
20 maintains the structural integrity of the standard instructional
21 materials and is compatible with braille translation and speech
22 synthesis software.

23 (b) Upon the willful failure of the publisher or manufacturer to
24 comply with the requirements of this section, the publisher or
25 manufacturer shall be liable to the governing board in the amount
26 of three times the total sum that the publisher or manufacturer was
27 paid in excess of the price required under paragraphs (1), (2), and
28 (5) of subdivision (a), and in the amount of three times the total
29 value of the instructional materials and services that the governing
30 board is entitled to receive free of charge under subdivision (a).

31 SEC. 4. The sum of two hundred twenty-seven thousand
32 dollars (\$227,000) is hereby appropriated from the General Fund
33 to the Chancellor of the California Community Colleges for
34 allocation to at least 15 community college districts located
35 throughout the state to enable each district to offer at least one
36 additional course to train individuals in braille instruction to assist
37 in providing services, as prescribed in this act.

38 ~~SEC. 5. Notwithstanding Section 17610 of the Government~~
39 ~~Code, if the Commission on State Mandates determines that this~~
40 ~~act contains costs mandated by the state, reimbursement to local~~

1 ~~agencies and school districts for those costs shall be made pursuant~~
2 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
3 ~~2 of the Government Code. If the statewide cost of the claim for~~
4 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
5 ~~reimbursement shall be made from the State Mandates Claims~~
6 ~~Fund.~~

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